

back to the Senate with the recommendation that it do pass and be not printed.

STAFFORD,

Chairman.

Committee Room,

Austin, Texas, April 12, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 201, a bill to be entitled "An Act to amend Article 3075 of Chapter 3, Title LVIII, Revised Civil Statutes of the State of Texas, relating to insurance, providing that reinsurers shall be authorized to do business in the State, and providing for reports by said companies,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STAFFORD,

Chairman.

SIXTY-SECOND DAY.

Senate Chamber,

Austin, Texas,

Thursday, April 13, 1905.

Senate met pursuant to adjournment, President Pro Tem. Hanger in the chair.

Roll called, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Hill.
Glasscock.	Smith.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Hicks, the same was dispensed with.

See Appendix for standing committee reports.

Morning call concluded.

HOUSE BILL NO. 533—REFUSED TO TAKE UP.

Senator Davidson moved the special order of business (Senate bill No. 187) be suspended, and the Senate take up, out of its order, House bill No. 533.

The motion was lost by the following vote:

Yeas—12.

Barrett.	Hawkins.
Brachfield.	Holland.
Davidson.	Looney.
Grinnan.	Martin.
Harbison.	Stokes.
Harper.	Stone.

Nays—14.

Beaty.	Hill.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Terrell.
Hicks.	

Absent.

Faulk.	Smith.
Glasscock.	Willacy.
Hill.	

HOUSE BILL NO. 96.

Senator Chambers moved that the special order of business (Senate bill No. 187) be suspended, and the Senate take up, out of its order, House bill No. 96.

Senator Davidson moved as a substitute that House bill No. 96 be postponed and made a special order for Saturday evening at 2 o'clock. The substitute motion was lost by the following vote:

Yeas—11.

Brachfield.	Looney.
Davidson.	Martin.
Grinnan.	Smith.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	

Nays—15.

Barrett.	Holland.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Terrell.
Hicks.	

Absent.

Beaty.	Hill.
Faulk.	Willacy.
Glasscock.	

Question then being on the motion to take up House bill No. 96, and

On that motion Senator Davidson moved a call of the Senate, which motion being duly seconded, the roll was called, the following members answering to their names:

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harblson.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Beaty. Glasscock.

Senator Stafford moved to excuse the absent member on this bill, which motion was lost by the following vote:

Yeas—18.

Barrett.	Hill.
Chambers.	Holland.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Hale.	Skinner.
Hanger.	Stafford.
Hawkins.	Terrell.
Hicks.	Willacy.

Nays—11.

Brachfield.	Looney.
Davidson.	Martin.
Faulk.	Smith.
Grinnan.	Stokes.
Harblson.	Stone.
Harper.	

Absent.

Beaty. Glasscock.

The Sergeant-at-Arms was then instructed to bring in the absent member as soon as possible.

HOUSE BILL NO. 320—REFUSED TO TAKE UP.

Senator Brachfield moved that the special order of business (Senate bill No. 187) be suspended, and the Senate take up, out of its order, House bill No. 320.

The motion was lost by the following vote:

Yeas—13.

Barrett.	Hawkins.
Brachfield.	Looney.
Davidson.	Martin.
Faulk.	Smith.
Grinnan.	Stokes.
Harblson.	Stone.
Harper.	

Nays—16.

Chambers.	Holland.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Hale.	Skinner.
Hanger.	Stafford.
Hicks.	Terrell.
Hill.	Willacy.

Absent.

Beaty. Glasscock.

HOUSE BILL NO. 563.

Senator Stone moved that the special order of business (Senate bill No. 187) be suspended, and the Senate take up, out of its order, House bill No. 563.

Pending discussion on the motion, Senator Chambers moved to excuse the absentees on House bill No. 96, and

Senator Hawkins moved, as a substitute, to excuse the absentees for the remainder of the term.

Pending discussion on the motions, Senator Chambers, by consent, withdrew his motion, and

Senator Hawkins moved to excuse the absent members for the remainder of the term, which motion was lost by the following vote:

Yeas—17.

Chambers.	Holland.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Hale.	Skinner.
Hanger.	Stafford.
Hawkins.	Terrell.
Hicks.	Willacy.
Hill.	

Nays—13.

Barrett.	Harper.
Brachfield.	Looney.
Davidson.	Martin.
Faulk.	Smith.
Glasscock.	Stokes.
Grinnan.	Stone.
Harblson.	

Absent.

Beaty.

Senator Hicks moved to excuse the absentees on House bill No. 96, which motion was lost by the following vote:

Yeas—17.

Barrett.	Hale.
Chambers.	Hanger.
Decker.	Hicks.
Faust.	Hill.
Griggs.	Holland.

McKamy.	Stafford.
Meachum.	Terrell.
Paulus.	Willacy.
Skinner.	

Nays—13.

Brachfield.	Hawkins.
Davidson.	Looney.
Faulk.	Martin.
Glasscock.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	

Absent.

Beaty.

HOUSE BILL NO. 563—REFUSED TO TAKE UP.

Action then recurred on the motion by Senator Stone to take up House bill No. 563, which motion was lost by the following vote:

Yeas—14.

Barrett.	Harper.
Brachfield.	Hawkins.
Faulk.	Looney.
Faust.	Martin.
Glasscock.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.

Nays—16.

Chambers.	Holland.
Davidson.	McKamy.
Decker.	Meachum.
Griggs.	Paulus.
Hale.	Skinner.
Hanger.	Stafford.
Hicks.	Terrell.
Hill.	Willacy.

Absent.

Beaty.

HOUSE BILL NO. 116.

Senator Davidson moved that the special order of business (Senate bill No. 187) be suspended, and the Senate take up, out of its order, House bill No. 116.

Senator Griggs moved as a substitute, that the special order of business (Senate bill No. 187) be suspended, and the Senate take up, out of its order, House bill No. 563.

Here Senator Davidson asked consent to withdraw his motion to take up House bill No. 116, and Senator Hicks objected.

The substitute motion to take up House bill No. 563 was then adopted by the following vote:

Yeas—28.

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Nays—1.

Terrell.

Absent.

Beaty.

Hill.

REASONS FOR VOTING "NO."

Reasons for voting against taking up the banking bill: I do not think we have the time to consider this bill as we should before adjournment, and believe the Senate should ask the Governor to give us this bill at the extra session.

TERRELL.
The Chair laid before the Senate, on second reading,

House bill No. 563, a bill to be entitled "An Act to provide for the incorporation of corporate bodies, with banking and discounting privileges, prescribing the liabilities of stockholders in same, providing for the regulation of such corporate bodies, and the supervision thereof by creating the office of Superintendent of Banking, by attaching the same to the office of the Commissioner of Agriculture, Insurance, Statistics and History, and prohibiting foreign corporations with such powers from doing business in this State, and to provide penalties for the violation of this act; and to repeal Chapter 165 of the Acts of the Twenty-fifth Legislature, entitled 'An Act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or other public officer, to be made, given, tendered or filed with surety or sureties, and guaranteeing the refraining from or performance by another of any act, duty or obligation, and to regulate such business, and to repeal Chapter 16, Title XXI, of the Revised Statutes of the State of Texas.'"

On motion of Senator Hicks the committee report, which recommended

that the bill do pass, with amendments, was adopted.

Senator Faulk moved that the bill be considered by sections, which motion was lost by the following vote:

Yeas—11.

Barrett.	Looney.
Brachfield.	Martin.
Davidson.	Meachum.
Faulk.	Stokes.
Glasscock.	Stone.
Harper.	

Nays—19.

Chambers.	Hill.
Decker.	Holland.
Faust.	McKamy.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Beaty.

Senator Hicks moved to reconsider the vote by which the Senate refused to consider the bill by sections, and lay that motion on the table.

The motion to table prevailed by the following vote:

Yeas—18.

Chambers.	Hicks.
Decker.	Holland.
Faust.	McKamy.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Terrell.
Hawkins.	Willacy.

Nays—11.

Barrett.	Looney.
Brachfield.	Martin.
Davidson.	Meachum.
Faulk.	Stokes.
Glasscock.	Stone.
Harper.	

Absent.

Beaty.

Hill.

Here Senator Terrell moved that further consideration of this bill be temporarily suspended and that the chair be authorized to appoint a committee of three Senators to at once visit the Governor and find out, if possible, if he will submit this measure to the special session.

(Senator Willacy in the chair.)

Senator Faust moved to table the

motion by Senator Terrell, which motion was adopted.

Senator McKamy offered the following amendment, which was adopted:

Amend the Senate printed bill, page 3, line 33, by adding to Section 7 the following: "The reserve fund or any part thereof, together with the current receipts, may be kept on hand or on deposit, payable on demand, in any bank or banking association of the State of Texas, or under the laws of the United States, approved by the Superintendent of Banking, and having a paid-up capital stock of fifty thousand dollars or more, but the deposits in any one bank or trust company shall not exceed twenty per cent of the total deposits, capital and surplus of such bank."

Senator Looney offered the following amendment:

Amend the bill, Section 11, subdivision 3 thereof, lines 45 and 46 of the printed bill, by striking out the following language, viz: "Or which the purposes of the corporation may require."

The amendment was lost by the following vote:

Yeas—14.

Brachfield.	Hawkins.
Chambers.	Looney.
Davidson.	Paulus.
Faulk.	Skinner.
Glasscock.	Smith.
Grinnan.	Stokes.
Harper.	Terrell.

Nays—15.

Barrett.	Holland.
Faust.	Martin.
Griggs.	McKamy.
Hale.	Meachum.
Hanger.	Stafford.
Harbison.	Stone.
Hicks.	Willacy.
Hill.	

Absent.

Beaty.

Decker.

Senator Davidson offered the following amendment:

Amend by striking out the word "places" in line 7, page 2, insert "place" instead of same.

Pending discussion of Senator Davidson's amendment

Senator Stafford moved to reconsider the vote by which the amendment offered by Senator Looney was defeated.

The motion was adopted, and Senator Davidson withdrew his amendment.

Question then recurred on the amendment by Senator Looney, and Senator

Terrell offered the following as a substitute for the amendment:

Amend the bill by striking out all of paragraph 3, Section 11, on line 45, page 4, after the word "business."

On motion of Senator Stafford the substitute for the amendment was tabled.

**REPORT OF FREE CONFERENCE
COMMITTEE ON HOUSE BILL
NO. 361—ADOPTION.**

Committee Room.

Austin, Texas, April 12, 1905.

Hon. F. W. Seabury, Speaker of the House of Representatives, and, Hon. George D. Neal, President of the Senate.

Sirs: We, your free conference committee, to whom was referred

House bill No. 361, a bill to be entitled "An Act to provide for the levy and collection of an occupation tax upon express companies, sleeping car companies, palace car companies, dining car companies, telegraph companies, telephone companies, surety and guarantee companies, gas companies, electric light companies, water works companies, dealers in naphtha, benzine or other mineral oils refined from petroleum, text book publishers, companies owning, leasing or hiring any kind of cars to railroads, street and inter-urban car lines, oil companies, pipe line companies and persons and individuals engaged in any of said businesses,"

Have had the same under consideration, and beg to report that we have agreed and that the bill accompanying this embraces the original bill as amended, and we recommend that the same be adopted.

Respectfully submitted,

KENNEDY,
WILLIAMS,
HOLMES,
LOVE of Dallas,
On part of the House.

HANGER,
MEACHUM,
LOONEY,
STAFFORD,
WILLACY,
On part of the Senate.

A bill to be entitled "An Act providing for the levy and collection of a tax upon individuals, firms, joint stock associations, corporations and other persons owning, operating, conducting, managing or controlling for profit within this State the business of express companies, sleeping car, palace car and dining car companies, or either; telegraph companies, telephone companies, surety and guaranty companies; collecting and commercial agencies or either; gas, electric light, electric power and water works companies, or

plants, or either; exchanges or dealing in futures in agricultural products, articles of commerce, corporation stocks, or other articles or commodities; wholesale dealers in coal oil, naphtha, benzine, mineral oils refined from petroleum, or either, and any and all mineral oils, publishing, printing and selling school text books or law books, or either; companies owning, leasing or hiring any kind of cars to railroad companies, or other persons; pipe line companies, oil producers or oil producing companies, and all persons engaging in any of said businesses; providing penalties for the violations of the provisions of this act, and repealing all laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. Each and every express company shall, on or before the first day of March, 1906, and annually thereafter, through its superintendent or other chief officer, or authorized agent, file with the Comptroller a report, under oath, showing the amount of gross receipts from charges and freights within this State paid to or uncollected by such company on account of money, goods, merchandise or other character of freight carried within this State during the twelve months next preceding January the 1st of each year. Said express companies, at the time of filing the required report, shall pay to the Treasurer of the State an annual tax equal to two and one-half per cent on their gross receipts, as shown by said report. The receipt of the Treasurer of the State shall be evidence of the payment of such taxes. Should any person, association of persons, the officers or agents of any such person, association of persons, or corporations herein named, fail to make the report provided for in this section for more than sixty days after the termination of any year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each day after said sixty days have expired shall be deemed a separate offense, and in addition thereto in the event of the failure of the officers or agents of any such company or corporation to make such report, and pay said tax, for sixty days after the termination of any year, each and every such company or corporation so failing shall forfeit and pay to the State of Texas twenty-five dollars for each day said report and payment are delayed, which forfeiture shall be sued for by the Attorney General, in the name of the State. For the purpose of suits and prosecutions provided for herein, venue and juris-

diction are hereby conferred upon the courts of Travis county, and service may be had upon any officer or agent of such company or corporation within this State, and such service shall in all respects be held legal and valid. The tax herein provided for shall be in lieu of all other taxes now levied upon express companies, and not in addition thereto.

Sec. 2. Every sleeping car company, palace car company or dining car company doing business in this State, and every corporation, person or association of persons leasing or renting, owning, controlling or managing any palace cars or dining or sleeping cars within this State, for the use of the public, and for which any fare is charged, shall pay an annual tax equal to four per cent of their gross receipts earned from any and all sources whatever within this State, except from receipts derived from buffet service. Said taxes herein provided for shall be paid to the State Treasurer quarterly for the use of the State. Every such company, association, person or corporation so owning, controlling or managing any such dining car, palace car or sleeping car, shall, on the 1st day of April of each year, and quarterly thereafter, report to the Comptroller, under oath of the president, treasurer, superintendent or some other officer of said corporation, or some agent thereof duly authorized, the gross amount of receipts earned from any and all sources whatever within this State, except from receipts derived from buffet service, during the preceding quarter. Should any person, association of persons, the officers or agents of any such persons, association of persons or corporations herein named, fail to make the report provided for in this chapter, for more than thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each day after said thirty days have expired shall be deemed a separate offense, and in addition thereto, in the event of the failure of the officers or agents of any such company or corporation to make such report, and pay said tax for thirty days after the termination of any quarter of the year, each and every such company or corporation so failing shall forfeit and pay to the State of Texas twenty-five dollars for each day said report and payment are delayed, which forfeiture shall be sued for by the Attorney General in the name of the State. For the purpose of suits and prosecutions provided for herein,

venue and jurisdiction are hereby conferred upon the courts of Travis county, and service may be had upon any officer or agent of such company or corporation within this State, and such service shall in all respects be held legal and valid. The tax herein provided for shall be in lieu of all other taxes now levied upon sleeping cars, palace cars or dining car companies, except the tax of twenty-five cents on the one hundred dollars of the capital stock of said companies as provided by the Acts of the Twenty-third Legislature.

Sec. 3. Each and every person, association of persons, firm, company or corporation owning, operating, managing or controlling any telegraphic line or lines in this State, for the transmission of telegraphic messages, and charging for the transmission of said messages, shall pay an annual tax of three per cent on their gross receipts from all sources within this State. Said taxes herein levied shall be paid to the State Treasurer quarterly. Every such person, association of persons, firm, company or corporation so owning, controlling or managing any telegraphic line or lines in this State shall, on or before the first day of April of each year, and quarterly thereafter, report to the Comptroller of Public Accounts, under the oath of the president, treasurer or superintendent of said company, association or corporation, or some officer or agent thereof, duly authorized, the amount received by them in the payment of telegraphic charges, including the amount received on full rate messages and half rate messages and from the lease of any wires, during the preceding quarter. Should any person, association of persons, firm, company or corporation, or the officers or agents of any such person, association of persons, firm, company or corporation herein named, fail to make the report provided for in this article for thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars. Each day after said thirty days have expired shall be deemed a separate offense. In addition thereto, in the event of the failure of the officer or agent of any such person, company or corporation, to make the report herein required, and pay said taxes for thirty days after the termination of any quarter of the year, each and every such person, company or corporation shall forfeit and pay to the State of Texas twenty-five dollars for each day said report and payment are delayed, which forfeiture and taxes

shall be sued for by the Attorney General, in the name of the State. For the purpose of suits and prosecutions provided for in this article, venue and jurisdiction are hereby conferred upon the courts of Travis county, and service may be had upon any officer or agent of such person, firm, company or corporation in this State, and such service shall in all respects be held legal and valid. The tax provided for in this article shall be in addition to all other taxes levied, except the present message tax of one cent on each full rate message, and one-half of one cent on each half rate message, which is levied by Article 5049, Revised Statutes of 1895, and which is hereby repealed.

Sec. 4. Each and every person, association of persons, firm, company or corporation owning, operating, managing or controlling any telephone line or lines and telephones within this State, and charging for the use of the same, shall pay a tax of one and one-half per cent upon their gross receipts within this State; provided, that no gross receipt tax shall be levied upon any person, firm, company or corporation owning, managing or controlling any telephone line not operated for toll, revenue or hire. Said taxes herein levied shall be paid to the State Treasurer quarterly. Every such person, association of persons, firm, company or corporation so managing, owning or controlling any telephone line or lines, and telephones, in this State, shall on the first day of April of each year, and quarterly thereafter, report to the Comptroller of Public Accounts, under the oath of the president, treasurer or superintendent of said company, association or corporation, or some officer or agent thereof duly authorized, the amount received by them or it in the payment of charges for the use of its line or lines, telephone and telephones, during the preceding quarter. Should any person, association of persons, firm, company or corporation, or the officers or agents of such person, association of persons, firm, company or corporation herein named, fail to make the report provided for in this article, for thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars. Each day after said thirty days have expired shall be deemed a separate offense. In addition thereto, in the event of the failure of the officer or agent of any such person, firm, company or corporation to make the report herein required, and pay said taxes for thirty days after the termination of any quarter of the year, each

and every such person, company or corporation shall forfeit and pay to the State of Texas twenty-five dollars for each day said report and payment are delayed, which forfeiture and taxes shall be sued for by the Attorney General in the name of the State. For the purpose of suits and prosecutions provided for in this article, venue and jurisdiction are hereby conferred upon the courts of Travis county, and service may be had upon any officer or agent of such person, firm, company or corporation in this State, and such service shall in all respects be held legal and valid; provided, that where telephone companies have previously paid the State tax for 1905, of twenty-five cents on each 'phone in use, levied under Article 5243f of the Revised Statutes of 1895, the amount so fixed in advance of the date when this act takes effect, shall be deducted from the amount shown to be due from the tax of one and one-half per cent on gross receipts imposed by this act. The tax provided for in this article shall be in addition to all other taxes levied by law, except that levied by Articles 5049 and 5243f of the Revised Civil Statutes of 1895, which are hereby repealed.

Sec. 5. Every surety and guaranty company, at the time of filing its annual statement, shall report to the Commissioner of Insurance its gross premium receipts in this State during the preceding year, and shall pay an annual tax of two per cent on its gross receipts from fees or charges collected. Upon receipt by him of sworn statements showing the gross premium receipts by such companies, the Commissioner shall certify to the State Treasurer the amount of tax due by each company, which tax shall be paid to the State Treasurer on or before the first day of March following, whose receipt shall be evidence of the payment of such taxes. No such company shall receive a permit to continue to do business in this State until such taxes are paid. The tax provided for in this article shall be in addition to all other taxes levied by law.

Sec. 6. Each and every person, firm, corporation or association of persons owning, operating or controlling any collecting agency or commercial agency in this State, and charging for collections made or business done, shall pay to the State Treasurer an annual tax of one-half of one per cent upon their gross receipts for the use and benefit of the State. This tax shall be in addition to all other taxes levied and said taxes shall be paid to the State Treasurer quarterly. Every such person, firm, corporation or association of persons so owning, controlling or managing any commercial agency or collecting agency shall, on or before the

1st day of April, and quarterly thereafter, report to the Comptroller of Public Accounts under oath of the president, treasurer or superintendent of said company, association of persons, person or corporation, or some other officer or agent thereof duly authorized, the amount received by them or it in the payment of charges for collections made and business done for the quarter next preceding. Should any person, association of persons, firm, company or corporation, or the officers or agents thereof herein named, fail to make the report provided for in this article, for thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each day after the said thirty days have expired shall be deemed a separate offense. In addition thereto, in the event of the failure of the officer or agent of any such person, company or corporation to make the report herein required and pay said taxes for thirty days after the termination of any quarter of the year, each and every such person, company or corporation shall forfeit and pay to the State twenty-five dollars for each day said report and payment are delayed, which forfeiture and taxes shall be sued for by the Attorney General, in the name of the State. For the purpose of suits provided for in this article venue and jurisdiction are hereby expressly conferred upon the courts of Travis county, and service may be had upon any officer or agent of any such person, company or corporation within this State, and such service shall in all respects be held legal and valid.

Sec. 7. Each and every person, firm, corporation or association of persons owning, operating or controlling any gas, electric light or electric power plant or water works plant in this State, and charging for gas, light or water, shall pay to the State Treasurer an annual tax of one-fourth of one per cent upon their gross receipts for the use and benefit of the State. This tax shall be in addition to all other taxes levied, and said taxes shall be paid to the State Treasurer quarterly. Every such person, firm, corporation or association of persons so owning, controlling or managing any gas or electric light plant or electric power plant or water works plant shall, on or before the 1st day of April and quarterly thereafter, report to the Comptroller of Public Accounts under oath of the president, treasurer or superintendent of said company, association of persons, person or corporation, or some other officer or agent thereof duly authorized, the amount received

by them or it in the payment of charges for gas or electric lights or electric power or water for the quarter next preceding. Should any person, association of persons, firm, company or corporation, or the officers or agents thereof herein named, fail to make the report provided for in this article for thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each day after said thirty days have expired shall be deemed a separate offense. In addition thereto, in the event of the failure of the officer or agent of any such person, company or corporation to make the report herein required and pay said taxes for thirty days after the termination of any quarter of the year, each and every such person, company or corporation shall forfeit and pay to the State twenty-five dollars for each day said report and payment are delayed, which forfeiture and taxes shall be sued for by the Attorney General, in the name of the State. For the purpose of suits provided for in this article, venue and jurisdiction are hereby expressly conferred upon the courts of Travis county, and service may be had upon any officer or agent of any such person, company or corporation within this State, and such service shall in all respects be held legal and valid.

Sec. 8. Each and every person, firm, association of persons, corporation, domestic and foreign, who shall directly or indirectly, or as agent for another, or through any agent or agents, carry on, manage, superintend or transact any business commonly known as exchanges, or dealing in futures, in any agricultural products, articles of commerce, corporation stocks, or any other article or commodity, or where orders are taken and booked to be accepted and consummated by another where there exists the bona fide intention to deliver, shall, on or before the first day of April of each year and quarterly thereafter, file with the Comptroller of Public Accounts a report in writing under oath showing the amount of gross receipts from the management of any such business from all sources for the preceding three months, and shall pay a tax of one and one-quarter (1 1/4) per cent on their gross receipts from all sources. Said tax herein levied shall be paid to the State Treasurer quarterly, that is to say, on the first days of April, July, October and January of each year, provided that this article shall not apply to merchandise brokers and commission merchants.

If any such person, or the manager or

managers of any such business for any firm, association of persons, or corporation, shall fail to make the report, and pay the tax as above provided for, thirty days after the termination of any quarter of the year, each and every such person, firm, association of persons, or corporation, shall when so failing, forfeit and pay to the State twenty-five (\$25) dollars for each day said report and payment are delayed, which forfeiture and tax shall be used for by the Attorney General in the name of the State, and venue is hereby given in any court of competent jurisdiction in Travis county. The tax here provided shall be in addition to all other taxes levied by law.

Sec. 9. Each and every person, association of persons or corporation created by the laws of this or any other State or nation, which shall engage in their own name, or in the name of others, or in the name of their representatives or agents, in this State, in the wholesale business of coal oil, naphtha, benzine or any other mineral oils refined from petroleum, and any and all mineral oils, shall pay an annual tax of two per cent upon their gross receipts from any and all sales in this State of any of said articles in Section 9 of this Act hereinabove mentioned, and an annual tax of two per cent of the cash market value of any and all of said articles that may be received or possessed, or handled or disposed of in any manner other than by sale in this State; and it is hereby expressly provided that delivery to or possession by any person, association of persons, or corporation in this State of any of the articles hereinabove mentioned in Section 9 of this Act, from whatever source the same may have been received, shall, for the purpose of this Act be held and considered such a sale and such ownership and possession of such articles and property (where no sale is made) as will and shall subject the same to the tax herein provided for. Said tax herein provided for shall be paid to the State Treasurer quarterly, and every such person, agent, association of persons, or corporation so owning, controlling or managing such business shall, on or before the first day of April, and quarterly thereafter, report to the Comptroller under oath of the president, treasurer, superintendent, or some other officer of said corporation or association, or some duly authorized agent thereof, the amount received by them from such business in this State. Should any person, association of persons or corporation, or the officers or agents of any such corporation, person or association of persons herein named, fail to make the report here-

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in provided for, and pay said taxes for thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each and every day after said thirty days have expired shall be deemed a separate offense. In addition thereto, in the event of the failure of the officers or agents of any such company or corporation to make the reports and pay said taxes, for thirty days after the termination of any quarter of the year, each and every such company or corporation, or their officers or agents so failing, shall forfeit and pay to the State the sum of twenty-five dollars for each day said report and payment are delayed, which forfeiture and taxes shall be sued for by the Attorney General, in the name of the State. For the purpose of suits and prosecutions provided for in this article, venue and jurisdiction are hereby expressly conferred upon the courts of Travis county, and service may be had upon any officer or agent of such company or corporation in this State, and such service shall in all respects be held legal and valid. The tax herein levied shall be in addition to all other taxes levied by law.

Sec. 10. Every person, firm, joint stock association, company, corporation or association of persons, whether incorporated under the laws of this State or of any other State or Nation, or whether incorporated at all or not, engaged in publishing, printing and selling text books used in the schools of this State, or law books of any character, or any such person, firm, joint stock association, company, corporation or association of persons, owning, controlling or managing any such business as text book or law book publishers within this State or out of it, and having State agencies in this State for the purpose of selling any book or books to be used in any of the schools of this state, shall pay a tax of one per cent on their gross receipts from such business in this State. This tax shall be paid to the State Treasurer quarterly. Every such person, firm, joint stock association, company, corporation or association of persons so owning, controlling or managing any such business as text book or law book publishers, or having State agencies in this State, shall, on or before the first day of April, and quarterly thereafter, of each year, report to the Comptroller of Public Accounts, under the oath of the person owning or operating said agency, or of the president, treasurer, superintendent, or some other responsible offi-

cer of such firm, company, joint stock association, or corporation, the amount received by them from such business for and during the preceding quarter of the year. Should any person, association of persons, firm, company or corporation, or the officer or agent thereof herein named, fail to make the report provided for in this article, for thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars, and each day after said thirty days have expired shall be deemed a separate offense. And in addition thereto, in the event of the failure of the officer or agent of any such person or corporation to make the report herein required, and pay the said taxes, for thirty days after the termination of any quarter of the year, each and every such person, company or corporation so failing shall forfeit and pay to the State twenty-five dollars for each day said report and payment are delayed, which forfeiture and taxes shall be sued for by the Attorney General, in the name of the State. For the purpose of suits and prosecutions provided for in this article, venue and jurisdiction are hereby expressly conferred upon the courts of Travis county, and service may be had upon any officer or agent of such person, company or corporation within this State, and such service shall in all respects be held legal and valid.

Sec. 11. Every person, firm, joint stock association or corporation owning stock cars, refrigerator and fruit cars of any kind, tank cars of any kind, coal cars of any kind, furniture cars or common box and flat cars, and leasing, renting, operating, hiring or charging mileage for the use of such cars, shall, on or before the first day of April, and quarterly thereafter, through its superintendent or other chief officer, or authorized agent, file with the Comptroller of Public Accounts a report, under oath, showing the amount of gross receipts from such rentals or mileage, or other sources of revenue, for the preceding three months, and shall pay a tax of 2 per cent on their gross receipts from all rentals or mileage, or other sources of revenue received from any railway company or other persons, or from all other sources, within this State; provided, this shall not apply to the mileage and per diem paid by one railway company to another railway company within this State for the use of such cars. Said tax herein levied shall be paid to the State Treasurer quarterly. If any person, firm, joint stock associa-

tion or corporation shall fail to make the report and pay the tax as above provided, for thirty days after the termination of any quarter of the year, each and every such person, firm, joint stock association or corporation so failing shall forfeit and pay to the State twenty-five dollars for each day said report and payment are delayed, which forfeiture and tax shall be sued for by the Attorney General in the name of the State. And it is hereby provided that the cars or property of any such person, firm, joint stock association or corporation shall be subject to seizure and sale whenever found in this State, to pay the taxes, penalties and costs that may accrue under this article; provided, that upon the request of the Comptroller each railroad company in the State of Texas shall forthwith and within not more than thirty (30) days after such request shall have been made, report to said comptroller, under oath, the amounts paid by it for the use of cars of the kind mentioned in this section within such period as the Comptroller shall have fixed, and to what companies, associations or individuals the same was paid, and the amount paid to each and the dates and particulars of such payments, and if any railroad shall fail to make any report as herein provided, it shall forfeit and pay to the State twenty-five (\$25) dollars for each and every day during which said report is delayed, which shall be sued for by the Attorney General in the name of the State. For the purpose of suits provided for herein, venue and jurisdiction are hereby expressly conferred upon the courts of Travis county, and service may be had upon any officer or agent of any such person, firm, company or corporation within this State, and if no officer or agent can be found within this State, service may be had by citation by publication, and such service shall in all respects be held legal and valid. The tax provided for in this article shall be in addition to all other taxes levied by law.

Sec. 12. Every individual, joint stock association, company, copartnership or corporation, whether incorporated under the laws of this State or of any other State, territory or of the United States, or of any foreign nation, which owns or operates a pipe line or lines within the State of Texas, whether such pipe lines be used for the transmission of oil, natural or artificial gas, whether the same be for illuminating or fuel purposes, or for any other purpose, or for steam, for heat or power, or for the transmission of articles by pneumatic or other power, shall be deemed and held to be a pipe line company; and every such pipe line company shall, on or before the first day of

April of each and every year, and quarterly thereafter, through its superintendent, president, secretary or other authorized agent, file with the Comptroller a report, under oath, showing the amount of gross receipts from charges and freights within this State, paid to or uncollected by such pipe line company, on account of any business transacted by it in the capacity of a pipe line company, as herein defined, during the three months next preceding; and each pipe line company engaged in conveying oil shall report as a part of its gross receipts such sum as it would have been compelled to pay for conveying oil owned by it and conveyed for itself, if it had employed some other pipe line company to convey it. Said pipe line companies, at the time of filing the required report, shall pay to the Treasurer of the State of Texas two per cent on the gross receipts, as shown by said reports. The receipt of the Treasurer of the State shall be evidence of the payment of such taxes. Should any person, association of persons, the officers or agents of any such person, association of persons or corporations herein named, fail to make the report provided for in this chapter for more than thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each day after said thirty days have expired shall be deemed a separate offense; and in addition thereto, in the event of the failure of the officers or agents of any such company or corporation to make such report and pay said tax for thirty days after the termination of any quarter of the year, each and every such company and corporation so failing shall forfeit and pay to the State of Texas twenty-five dollars for each day said report and payment are delayed, which forfeiture shall be sued for by the Attorney General in the name of the State. For the purpose of suits and prosecutions provided for herein, venue and jurisdiction are hereby conferred upon the courts of Travis county, and service may be had upon any officer or agent of such company or corporation within this State, and such service shall in all respects be held legal and valid. The tax provided for in this article shall be in addition to all other taxes levied, but the provisions of this section shall not be construed to levy an additional tax on gas companies, as provided for elsewhere in this act.

Sec. 13. Every individual, joint stock company, copartnership or corporation, whether incorporated under the laws of this State or any State or territory of the United States or of any foreign country, which owns,

controls, manages or leases any oil well within this State, shall, on or before the first day of April of each and every year, and quarterly thereafter, through its superintendent, president, secretary or other authorized agent, or in person or by agent (if said well belongs to or is managed or controlled by any individual), file with the Comptroller a report, under oath, showing the total amount of all oil produced by each of said parties during said next preceding quarter, and also its market value. Said oil well companies or individuals owning, controlling or managing oil wells at the time of filing the required report shall pay to the Treasurer of the State of Texas one per cent on the gross products as shown by said reports, said amount in money to be fixed at the average market value of said product during the preceding quarter. The receipt of the Treasurer of the State shall be evidence of the payment of such taxes. Should any person, association of persons, the officers or agents of any such persons, association of persons or corporations herein named fail to make the report provided for in this chapter for more than thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each day after said thirty days have expired shall be deemed a separate offense; and in addition thereto, in the event of the failure of the officers or agents of any such company or corporation to make such report and pay said tax for thirty days after the termination of any quarter of the year, each and every such company or corporation so failing shall forfeit and pay to the State of Texas twenty-five dollars for each day said report and payment are delayed, which forfeiture shall be sued for by the Attorney General in the name of the State. For the purpose of suits and prosecutions provided for herein, venue and jurisdiction are hereby conferred upon the courts of Travis county, and service may be had upon any officer or agent of such company or corporation within this State, and such service shall in all respects be held legal and valid. The tax provided for in this article shall be in addition to all other taxes levied.

Sec. 14. Except as herein stated, all taxes levied by this act shall be in addition to all other taxes now levied by law; provided, that nothing herein shall be construed as authorizing any county or city to levy an occupation tax on the business taxed by this act.

Sec. 15. If for any reason the Comptroller of Public Accounts is not satisfied with any report required to

be made herein, he may require a further supplemental report from any such person, corporation, copartnership or association, containing information and data upon such matters as he may need or deem necessary to ascertain the true and correct amount of all taxes due by any such person, firm or corporation. Every statement or report required by this act shall have affixed thereto the affidavit of the president, vice president, secretary or treasurer of the person, corporation, copartnership or association, or one of the persons or members of the partnership making the same, to the effect that the statement is true. The Comptroller shall prepare blanks to be used in making the reports required by this act.

Sec. 16. If the Comptroller has any reason to believe, or does believe, that any person, firm or corporation subject to the provisions of this act has made any false return, or has failed or omitted to make a full return, then the Comptroller, or some person acting for him, shall file an affidavit with the district clerk of Travis county, or with any district judge of Travis county in vacation, setting forth his belief that such person, firm or corporation, to be named in the affidavit, has unlawfully omitted from a certain specified tax return, a true and full statement, and that such person, firm or corporation, or some other person, firm or corporation, to be named in the affidavit, has in his or its possession certain specified books or papers containing evidence pertaining to show such unlawful omission. Upon the filing of such affidavit, a writ shall issue forthwith, and be served by any proper officer, requiring the person, firm or corporation having possession of such books or papers to permit the inspection by the Comptroller or by the Revenue Agent of the State of Texas, or so much thereof as may be specially named in such writ, and being only such books and papers, or so much thereof, as may contain the evidence contained to show the unlawful omission complained of in said affidavit; and the court or the judge thereof in vacation issuing such writ shall, for the purpose of enforcing obedience thereto, possess and exercise all the powers usually possessed and exercised by it or him in contempt proceedings. All costs incurred on account of the filing of any affidavit of the issuance of the writ thereon and of the service of such writ shall be a charge against the State of Texas; provided, however, if as a result of such proceedings it is found that such designated person, firm or corporation has unlawfully omitted from the report required herein any statement or statements, then the State shall recover the costs from such person, firm or corporation.

Sec. 17. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 18. There now being a deficit in the public revenues of the State, an imperative public necessity and an emergency exist requiring that the constitutional rule requiring all bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Senator Hanger moved the adoption of the free conference committee report, which motion was adopted by the following vote:

Yeas—28.

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Nays—1.

Terrell.

Absent.

Beaty.

Hill.

REASONS FOR VOTING.

Reason why I vote "nay" on adopting the report of the conference committee on the Kennedy bill: I vote "nay" because the report of the committee takes loan companies out of the bill, thereby allowing them to escape their just proportion of taxation.

TERRELL.

PRIVILEGE MOTION.

Senator Barrett called up Senate bill No. 150, a bill to be entitled "An Act to amend Section 7, Chapter 42, of the acts of the Twenty-eighth Legislature, entitled 'An Act to provide for and regulate the granting of license to practice as attorney and counselor at law in all the courts of the State of Texas, and to repeal all laws and parts of laws in conflict therewith,'" approved March 19, 1903.

And moved that the Senate concur in the following House amendments:

Amend by inserting after the word "Texas" in line 1, page 2, the following: "Or from such other law schools

in the State as the Supreme court may from time to time designate."

On the motion to concur in the amendments

Senator Chambers moved a call of the Senate, which, being duly seconded, the roll was called, the following answering to their names:

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty. Hill.

(Absent—Not Excused.)

Beaty and Hill.

Senator Decker moved to excuse the absentees, and

Senator Barrett moved, as a substitute, that the absentees be excused on this bill, which motion was adopted by the following vote:

Yeas—20.

Barrett.	Looney.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Harbison.	Smith.
Harper.	Stafford.
Hawkins.	Stokes.
Hicks.	Stone.
Hill.	Willacy.

Nays—9.

Brachfield.	Hale.
Chambers.	Hanger.
Davidson.	Martin.
Decker.	Terrell.
Griggs.	

Present—Not Voting.

Holland.

Absent.

Beaty.

The excusing of the absentees on this bill suspended the call, and action then recurred on the motion of Senator Barrett to concur in the House amendments.

Senator Hanger moved that the Sen-

ate do not concur in the House amendments, and asked for a free conference committee.

Senator Hanger's motion was adopted by the following vote:

Yeas—16.

Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Griggs.	Paulus.
Hale.	Skinner.
Hanger.	Smith.
Holland.	Terrell.

Nays—14.

Barrett.	Hawkins.
Faulk.	Hicks.
Faust.	Hill.
Glasscock.	Stafford.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Beaty.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the followings bills:

Senate substitute bill No. 84, a bill to be entitled "An Act to regulate the practice of dentistry in the State of Texas, to provide for the appointment of a Board of Dental Examiners, prescribing their duties, and to repeal all laws and parts of laws in conflict with this act."

Senate bill No. 119, a bill to be entitled "An Act to amend Articles 2513, 2515, 2518d and 1518e, Chapter 4, Title XLVIII, of the Revised Civil Statutes of 1895, Articles 2516 and 2518h, Chapter 175, of the General Laws of 1899, Articles 2514, 2518c and 2518k, Chapter 122, of the General Laws of 1903, and Article 529g, Chapter 130, of the General Laws of 1901, and adding Article 529x," etc.

Also adopted the Free Conference Committee report to House bill 361, by following vote: Yeas, 94; nays, 6.

Also concurs in Senate amendments to House bill No. 588.

Respectfully,
BOB BARKER,
Chief Clerk.

PENDING BUSINESS—HOUSE BILL
NO. 563.

Action then recurred on House bill No. 563, pending business.

Senator Faulk offered the following substitute for the amendment by Senator Looney:

Amend the bill by striking out Sections 8, 9, 10, 11 and 12, permitting the organization of trust companies.

Senator Harbison moved that the Senate take a recess till 3 o'clock.

The motion was lost by the following vote:

Yeas—13.

Brachfield.	Hawkins.
Davidson.	Looney.
Faulk.	Martin.
Glasscock.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	

Nays—17.

Barrett.	Holland.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Terrell.
Hicks.	Willacy.
Hill.	

Absent.

Beaty.

Senator Stafford moved to table the substitute offered by Senator Faulk.

On this motion Senator Davidson moved a call of the Senate.

The motion being duly seconded, the roll was called, the following Senators answering to their names:

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.

Senator Hicks moved to excuse the absentees on the amendment and the bill.

The motion was adopted by the following vote:

Yeas—28.

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Present—Not Voting.

Smith.	Terrell.
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Absent.

Beaty.

Question then being on the motion of Senator Stafford to table the substitute the motion was adopted by the following vote:

Yeas—17.

Barrett.	Hicks.
Brachfield.	Looney.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Skinner.
Grinnan.	Stafford.
Hale.	Stone.
Hanger.	Willacy.
Hawkins.	

Nays—11.

Davidson.	Holland.
Faulk.	Paulus.
Glasscock.	Smith.
Griggs.	Stokes.
Harbison.	Terrell.
Hill.	

Absent.

Beaty.	Martin.
Harper.	

Question then being on the amendment offered by Senator Looney, the same was adopted.

Senator Terrell offered the following amendment:

Amend the bill by striking out all of paragraphs 6 and 10 of Section 11, on page 5.

Senator Hicks moved to table the amendment.

The motion was adopted.

Senator Harper offered the following amendment:

Amend page 6, line 1, by striking out the word "not," after the word "are," in said line, and insert in lieu thereof the word "now."

Senator Hicks moved that the Senate be at ease for one hour.

The motion was adopted.

The Senate was called to order by Senator Willacy.

PENDING BUSINESS—HOUSE BILL NO. 563.

Action recurred on pending business, House bill No. 563, the question being on the amendment by Senator Harper.

On motion of Senator Hawkins the amendment was tabled by the following vote:

Yeas—23.

Barrett.	Holland.
Brachfield.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Harbison.	Willacy.
Hawkins.	

Nays—4.

Chambers.	Harper.
Hanger.	Hicks.

Absent.

Beaty.	Looney.
Hill.	Smith.

Senator Skinner offered the following amendment, which was adopted:

Amend by inserting after the word "shall" in line 42, page 17, the following: "Be an expert bookkeeper and bank accountant and."

Senator Stafford offered the following amendment, which was adopted:

Amend Section 38 by striking out all after the word "them" in line 22.

Senator Stafford offered the following amendment, which was adopted:

Amend Section 38 by striking out the words "he shall receive no additional salary or compensation for his services as such superintendent," and inserting as follows: "He shall receive as additional salary or compensation for his ex-officio services as superintendent the sum of \$500 per annum."

Senator Holland offered the following amendment:

Amend by adding to Section 47 after the words "to all," on line 11, page 20,

the following: "And each statement shall be filed with the county clerk of the county in which corporation is located, and recorded in a well bound book to be kept for that purpose, which shall be labeled 'Record of Bank Statements.'"

On motion of Senator Skinner, the amendment was tabled by the following vote:

Yeas—14.

Barrett.	Hawkins.
Brachfield.	Hicks.
Decker.	Looney.
Faust.	McKamy.
Glasscock.	Skinner.
Grinnan.	Stafford.
Harbison.	Stokes.

Nays—12.

Chambers.	Holland.
Davidson.	Martin.
Faulk.	Paulus.
Griggs.	Stone.
Hanger.	Terrell.
Harper.	Willacy.

Absent.

Beaty.	Meachum.
Hale.	Smith.
Hill.	

Senator Stafford offered the following amendment:

Amend Section 51 by inserting after the word "dollars," line 19, the following: "the capital stock of any corporation doing banking business in this State shall not be reduced below the amount provided for in Section 5, said amount regulated by the population of towns and cities in this State. The capital stock of every trust company so reduced must conform to the provisions of Section 9. The capital stock of savings banks shall not be reduced contrary to the provisions of Section 15 of this act."

Senator Decker moved to excuse the absentees on House bill No. 96.

The pending question before the Senate was the amendment by Senator Stafford to House bill No. 563, and

On that motion Senator Davidson moved a call of the Senate, which being duly seconded the roll was called, the following answering to their names:

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Meachum.
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Senator Hicks here raised the point or order that the absentees had pre-

viously been excused on this bill, and

The Chair sustained same.

Senator Davidson raised point of order that motion to excuse absentees on House bill No. 96 was out of order as that motion could not supersede pending business.

The Chair overruled and held that that motion could be called up at any time.

Question then recurring on the motion to excuse the absentees on House bill No. 96, the same was lost by the following vote:

Yeas—17.

Barrett.	Holland.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Terrell.
Hicks.	Willacy.
Hill.	

Nays—13.

Brachfield.	Hawkins.
Davidson.	Looney.
Faulk.	Martin.
Glasscock.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	

Absent.

Beaty.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 184, a bill to be entitled "An Act to remit penalties on certain patents and to authorize the Commissioner of the General Land Office to deliver to the owner of the land the patent therefor upon payment of patent fee."

Senate bill No. 185, a bill to be entitled "An Act to amend Articles 3498f, 3498g and 3498e, and to repeal Article 3498m, Revised Civil Statutes of Texas, relating to the sale of mineral land," with amendments.

Senate bill No. 244, a bill to be entitled "An Act to provide for the disposition of the corporate property and for the levy, assessment and collection of taxes to pay existing indebtedness of incorporated cities and towns which have heretofore or may hereafter abolish their corporate existence, and to

repeal all laws in conflict herewith."

Grants the request of the Senate for a Free Conference Committee on Senate bill No. 150, and appointed the following on part of the House: Mays, Bartholomew, Masterson, Barcus, Hancock.

Respectfully,

BOB BARKER,
Chief Clerk.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 277, a bill to be entitled "An Act to amend Section 17 of an act incorporating the trustees of the independent school district of the City of San Antonio, Texas, passed at the regular session of the Twenty-eighth Legislature of the State of Texas, Chapter 128 of the General Laws."

Senate bill No. 314, a bill to be entitled "An Act to incorporate Itasca school district No. 72, in Hill county, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing bonds, and maintaining public free schools therein," with amendment.

Respectfully,

BOB BARKER,
Chief Clerk.

PRIVILEGE MOTION.

Senator Faulk called up

Senate bill No. 185, a bill to be entitled "An Act to amend Articles 3498f, 3498g and 3498e, and to repeal Article 3498m, Revised Civil Statutes of Texas, relating to the sale of mineral land,"

And moved that the Senate concur in the following House amendments:

Amend Article 3498f, page 2, line 14, of the Senate printed bill, by adding after the word "office" the following: "all mineral lands shall be sold at such price as may be fixed by the Land Commissioner, but in no event shall the same be sold at a price less than twenty-five dollars per acre, nor until he has ascertained approximately their value."

"Provided, that no person, firm or corporation or association of persons shall be permitted to locate or file on more than five claims of twenty-one acres within a radius of five miles."

Amend the Senate printed bill by inserting after the word "copper," line

12, page 2, the words "zinc, tungsten, molybdenum and uranium."

On motion of Senator Glasscock, the amendments were concurred in.

PENDING BUSINESS—HOUSE BILL NO. 563.

Action here recurred on the pending business—House bill No. 563.

The question being on the amendment by Senator Stafford, the same was adopted.

Senator Skinner offered the following amendment, which was adopted:

Amend by striking out the word "a," in line 25, page 33, and inserting in lieu thereof the following: "an imperative."

Senator Terrell offered the following amendment:

Amend the bill by adding after Section 80 Section 80a, which shall read as follows:

Sec. 80a. Provided, that it is hereby made the duty of any corporation created under the provisions of this act to produce any and all of its books before any board of equalization whenever legally notified so to do, to the end that such board of equalization may determine the taxable value of all properties owned by such corporation, and also the amount of taxable property held by such corporation for others, and if such corporation shall fail and refuse to comply with the above provisions of this section, it shall forfeit its charter, and the Attorney General shall immediately institute suit in the district court of the county where the principal office of such corporation is located.

On motion of Senator Hicks, the amendment was tabled by the following vote:

Yeas—19.

Barrett.	Looney.
Brachfield.	McKamy.
Decker.	Meachum.
Faust.	Skinner.
Glasscock.	Smith.
Grinnan.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Hawkins.	Willacy.
Hicks.	

Nays—10.

Chambers.	Harper.
Davidson.	Holland.
Faulk.	Martin.
Griggs.	Paulus.
Hale.	Terrell.

Absent.

Beaty.	Hill.
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Senator Hicks offered the following amendment, which was adopted:

Amend the bill by striking out all of Section 76 down to and including line 41, page 31, and inserting in lieu thereof the following:

Section 76. It shall not be lawful after ninety days from the time this bill takes effect for any incorporated bank other than corporations chartered by the United States, or trust company, savings bank or any corporations save and except such as are organized under the provisions of this act, or which take advantage of this act, as provided in Section 78 thereof, or corporations created by virtue of a special act of the Legislature passed prior to the adoption of the Constitution of 1876 and now authorized to do business in this State—to advertise or put forth any sign as a bank, trust company or savings bank, or in any way solicit or receive business as such, or as any of such, or to use as their name or part of their name on any sign, advertisement or stationery the words "bank," "banker," "banking," "trust," "trust company," "savings bank," "savings," or any other term which may be confused with the name of corporations organized under the General Laws of this State and foreign corporations heretofore or hereafter authorized to do business in this State authorized by their charters to use such name or parts of names, as are hereby prohibited, may continue to use the same by using thereafter the words "without banking privileges." Any such corporation violating the provisions of this section shall forfeit its charter, or if a foreign corporation, its permit to do business within this State, and the Attorney General shall upon information lodged with him to that effect bring an action against such corporation to wind up its affairs as now provided by law for insolvent corporations, and in addition thereto any corporation or officer or agent thereof, who shall offend against these provisions shall forfeit and pay for every such offense the sum of one hundred dollars per day for every day such offense shall be continued, to be sued for and recovered in the name of the State, by prosecuting attorneys of the several counties, in any court of cognizance thereof, for the use of the school fund in the county in which such offense shall be committed.

Senator Stafford offered the following amendment, which was adopted:

Amend Section 52, lines 32 and 33, by striking out the word "five (5)" and insert the word "ten (10)."

Senator Davidson offered the following amendment, which was adopted:

Amend by striking out the word "purposes," in line 26, page 4, and

insert in place of same the word "purpose."

Senator Stafford moved to reconsider the vote by which the amendment was adopted, and

Senator Davidson moved to table the motion.

Here Senator Davidson asked to be heard, and

Senator Hanger made a point of order that a motion to table was not debatable, and the Chair stated that while the point of order was well taken, still it had been the custom of the Senate to allow an author of the motion to debate it. The point of order was insisted on, and the Chair sustained it.

Senator Davidson withdrew his motion to table, and retained the floor.

The motion to reconsider the vote by which the motion was adopted prevailed by the following vote:

Yeas—23.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stone.
Harbison.	Willacy.
Hawkins.	

Nays—7.

Davidson.	Paulus.
Faulk.	Stokes.
Harper.	Terrell.
Holland.	

Absent.

Beaty.

On motion of Senator Stafford the amendment was tabled.

Senator Paulus offered the following amendment:

Amend Section 6, page 3, lines 13 and 14, by striking out the following: "Nor shall any person be a director in any bank against whom such bank shall hold a judgment," and inserting in lieu thereof the following: "And no person shall be an officer, agent, director or employe of any State bank while he is an officer, agent, director or employe of any other bank located in the same town or city, whether same be a State, National or private bank, or who is the owner or part owner of any private bank located in the same town or city."

Senator Stafford moved to table the amendment, which motion was adopted by the following vote:

Yeas—16.

Brachfield.	Looney.
Faust.	McKamy.
Glasscock.	Meachum.
Grinnan.	Skinner.
Hale.	Stafford.
Hanger.	Stokes.
Hicks.	Stone.
Hill.	Willacy.

Nays—13.

Barrett.	Hawkins.
Chambers.	Holland.
Davidson.	Martin.
Faulk.	Paulus.
Griggs.	Smith.
Harbison.	Terrell.
Harper.	

Absent.

Beaty.

Decker.

Senator Faulk offered the following amendment:

Amend by adding after the word acquisition, line 26, page 24, the following: "To some one not interested directly or indirectly in said company."

The amendment was adopted by the following vote:

Yeas—15.

Barrett.	Harper.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	Paulus.
Glasscock.	Smith.
Grinnan.	Terrell.
Harbison.	

Nays—13.

Faust.	McKamy.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Stokes.
Hawkins.	Stone.
Hicks.	Willacy.
Hill.	

Present—Not Voting.

Meachum.

Absent.

Beaty.

Decker.

Senator Faust offered the following amendment, which was adopted:

Amend the bill, page 3, Section 6, line 12, by striking out "two" and inserting "five" in lieu thereof.

Senator Stafford offered the following amendment, which was adopted:

Amend Section 66, line 16, page 27, by inserting after the word "State" the following: "Provided said company maintain a premium reserve or the amount required to reinsure all outstanding risks; to be determined by taking 50 per cent of the premiums on all unexpired risks that have less than one year to run and a pro rata of

all gross premiums on risks that have more than one year to run, and further that they be required to file with the Insurance Department, within sixty days after the 1st of January of each year, sworn to by the president and secretary or by two of its principal officers, as to the surety and bond business done by the same, and that they shall pay taxes thereon as required of other surety companies."

Senator Holland offered the following amendment:

Amend by striking out all of Section 21, on page 10.

The amendment was lost.

Senator Faust offered the following amendment, which was adopted.

Amend the bill, page 3, Section 7, line 46, after the word "deposits," by adding "ten per cent of which is to be actual cash in the bank."

Senator Terrell offered the following amendment, which was adopted:

Amend the bill by inserting between the words "association" and "shall," on line 12, page 7, the following: "Shall state that the entire amount of the capital stock of such proposed corporation has been paid in and shall be sworn to and."

Senator Glasscock offered the following amendment, which was adopted.

Amend by adding to Section 24, on page 11, the following words: "At such other time as may be agreed upon by the depositor and the bank or corporation."

Senator Faust offered the following amendment, which was adopted:

Amend the bill page 18, Section 43, line 6, after the word "superintendent," by inserting as follows: "No such examiner shall be appointed who has not had practical experience in the banking business for at least five years."

NOTICE OF MOTION.

Senator Hanger here offered the following:

Notice is hereby given that a motion will be made on Friday, April 14, 1905, to change subdivision 3, of the second paragraph of rule 61, of the Standing Rules of the Senate, so that said rule, which now provides that a two-thirds vote of the Senate shall be necessary to suspend any rule of the Senate, shall be changed so as to hereafter provide that any rule of the Senate may be suspended by a majority vote.

HANGER.

DECKER.

HICKS.

HILL.

STAFFORD.

Committee on Rules.

Senator Davidson made the point of order that the motion was not a privilege motion, and was not germane at

the time under the head of privilege matter.

Senator Hanger argued that it was a privilege matter, and

The Chair sustained same.

PENDING BUSINESS—HOUSE BILL NO. 563.

Senator Decker moved the previous question on the engrossment of the bill, which motion was duly seconded and was so ordered.

Bill read second time and passed to a third reading. On motion of Senator Hicks the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.
Hawkins.	

Nays—1.

Terrell.

Absent.

Beaty.

The bill was read third time, and Senator Stafford moved the previous question on the bill, which motion was duly seconded and was so ordered.

The bill was read third time and passed by the following vote:

Yeas—28.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	Willacy.

Nays—2.

Davidson.

Terrell.

Absent.

Beaty.

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

INVITATION TO VISIT SAN ANTONIO.

To the Hon. Lieutenant Governor and the Members of the Senate of the State of Texas, Austin.

San Antonio Spring Carnival Association presents its compliments to the honorable Lieutenant Governor and to the members of the Senate of the State of Texas, and respectfully requests the honor of their attendance and their participation in the various features of the carnival week, beginning Monday, April 24, and ending Saturday, April 29.

Very respectfully,

THE SAN ANTONIO SPRING CARNIVAL ASSOCIATION,

By FRANK H. BUSHICK,

President San Antonio Spring Carnival Association.

Attest: SELIG DEUTSCHMANN,
Secretary S. A. S. C. Assn.

WM. L. STILES,

President Business Men's Club,

ADINA DE ZAVALA,

President De Zavala Chapter, Daughters of the Republic.

JOHN P. CAMPBELL,

Mayor of San Antonio.

San Antonio, Texas, April 10, 1905.

The invitation was accepted.

FREE CONFERENCE COMMITTEE APPOINTED.

The following free conference committee was appointed on Senate bill No. 150:

Senators Hicks, Meachum, Barrett, Hanger, Chambers.

SENATE BILL NO. 314—HOUSE AMENDMENTS CONCURRED IN.

Senator Skinner called up

Senate bill No. 314, being "An Act to incorporate Itasca school district No. 72, in Hill county, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein."

And moved that the Senate concur in the House amendments as follows:

Amend the bill by striking out all after the enacting clause and insert in lieu thereof the following:

"Section 1. That the school district now known as Itasca School District

No. 72, in Hill county, be and the same is hereby incorporated as an independent school district; and hereafter the same shall be known as the 'Itasca Independent School District,' and said independent school district shall be bounded and described, and contain the same territory, as the said Itasca School District No. 72, as the same appears of record on page 20, volume 'F' of the minutes of the commissioners court in and for said Hill county; and so much of said record as defines the boundaries and area of said Itasca School District No. 72 is hereby made a part of this act for the purpose of defining the boundaries and area of said Itasca Independent School District.

"Sec. 2. Said Itasca Independent School District shall have and enjoy all the rights, powers and privileges that are now or may hereafter be granted by law, to towns and villages incorporated for free school purposes only in Texas, including the right to vote a special tax not exceeding one-half of one per cent on the assessed valuation of taxable property in said independent school district for the maintenance of its public schools and to vote for and issue bonds for school purposes as provided by the General Laws for towns and villages incorporated for free school purposes only.

"Sec. 3. The affairs of said Itasca Independent School District shall be managed by a board of seven trustees, who shall be elected by the qualified voters in said independent school district at the time and in the manner provided by General Laws for the election of trustees in independent school districts; provided, that upon the passage of this act, the County Judge of Hill county shall order an election to be held in the independent school district for the purpose of electing four trustees in addition to the three trustees who are already serving as such; provided, further, that it shall be arranged by lot that the term of three of said trustees shall expire in one year, and the term of four of said trustees shall expire in two years; and thereafter the trustees shall be elected at the time and in the manner provided by General Laws for the election of trustees in independent school districts in Texas. The present trustees in said school district may continue in office until the expiration of their terms respectively, and they are hereby constituted and appointed as members of said board of trustees. Any vacancies in said board of trustees shall be filled for the unexpired term by the remaining members of the board.

"Sec. 4. Said trustees shall organize by electing from their number a pres-

ident, vice president, secretary, treasurer, and tax assessor and collector; the offices of secretary and treasurer may be held by the same person.

"Sec. 5. The said board of trustees shall be vested with the full management and control of the free schools in said independent school district, and shall in general be vested with all the powers, rights and duties that are provided by General Laws for trustees in towns and villages incorporated for free school purposes only, including the powers and manner of taxation, issuing bonds, buying grounds, and buying and erecting buildings and improvements and all materials and supplies for school purposes. They shall also have the right at any time in their discretion to sell and convey any real estate belonging to said independent school district not needed for school purposes.

"Sec. 6. Upon the passage of this act all real estate and other property belonging to the Itasca School District No. 72, in Hill county, shall at once be and become the property of the said Itasca Independent School District.

"Sec. 7. The said Itasca Independent School District, and the trustees and officers thereof, shall be governed in all things by the General Laws of Texas for towns and villages incorporated for free school purposes only, except as otherwise provided in this act.

"Sec. 8. The crowded condition of the calendar, and the fact that Itasca School District No. 72 is a common county district and does not meet the present demand of the public school interests, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is done, and that this act take effect from and after its passage, and it is so enacted."

Amend the caption of the bill by striking out the words "No. 72," in line 3.

The motion to concur was adopted by the following vote:

Yeas—29.

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Beaty.

Hale.

SENATE BILLS SIGNED BY THE CHAIR.

The Chair (President Pro Tem. Hanger) gave notice of signing, and did sign in the presence of the Senate after their captions had been read.

Senate bill No. 124, a bill to be entitled "An Act to provide for the holding of special terms of the district court in several of the counties of the State of Texas."

Senate bill No. 183, a bill to be entitled "An Act to more succinctly declare what is sufficient evidence of title to enable owners of land to redeem under sales for taxes."

Senate bill No. 272, being "An Act to amend Chapter 143 of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, which was an act to provide for the disorganization of the county of Loving, in the State of Texas, and to attach said county to the county of Reeves for judicial and other purposes, and to provide for the assessments and collection of taxes in said county, and for the payment of the outstanding indebtedness of said county."

Senate bill No. 305, a bill to be entitled "An Act to require the Governor of Texas to appoint an inspector of hides and animals for the county of Deaf Smith, and place said county under the provisions of Articles 5002 to 5042, inclusive, Revised Statutes of 1895, and to declare an emergency."

Senate bill No. 43, a bill to be entitled "An Act relating to State and county finances, providing for a system of State and county depositories for State and county funds, and to repeal all laws and parts of laws in conflict herewith."

Senate bill No. 63, a bill to be entitled "An Act to compel railroads and railway corporations to erect and maintain water closets at passenger stations, to regulate the same, to fix penalties and authorize suits therefor, with an emergency clause."

Senate bill No. 176, a bill to be entitled "An Act to prevent by means of the writ of injunction at the suit of the State or any citizen thereof the habitual use, actual, contemplated or threatened, of any premises, place, building, or part thereof, for the purpose of gaming or of keeping or exhibiting games prohibited by the laws of this State."

Substitute Senate bill No. 84, a bill to be entitled "An Act to provide for and regulate the granting of license to

practice dentistry in the State of Texas, and to repeal all laws in conflict therewith."

HOUSE BILLS SIGNED BY THE CHAIR.

The Chair, President Pro Tem. Hanger, gave notice of signing, and did sign in the presence of the Senate after their captions had been read.

House bill No. 590, a bill to be entitled "An Act creating the Jacksonville independent school district, in Cherokee county, Texas," etc.

House bill No. 633, a bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, to fix the times for holding the terms of court therein, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 593, a bill to be entitled "An Act ratifying and confirming an ordinance passed by the Board of Commissioners of the City of Galveston on the 13th day of March, 1905, entitled an Ordinance abandoning, closing and discontinuing certain streets, avenues and alleys of the City of Galveston, and authorizing and empowering M. A. Low and his heirs and assigns to construct and perpetually maintain piers, docks, wharves, warehouses, depots, platforms, tracks and elevators, and to dredge or fill between and on the sides of such piers, docks, wharves, warehouses, depots, platforms, tracks and elevators, on the shores of Galveston Bay, within the corporate limits of the City of Galveston, upon certain conditions and conditionally relinquishing any claim the State of Texas may have to part of the land therein described."

House bill No. 630, a bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Waco, and define its boundaries and powers,' approved February 19, 1889, passed by the regular session of the Twenty-first Legislature, Chapter 17, page 146, Special Laws of the State of Texas, A. D. 1889, as amended by adding thereto Section 1a, including additional adjacent territory within the corporate limits of said city of Waco, and by adding the same thereto, and by amending Section 47 of said act of 1899, regulating responsibility of all property and territory included within the corporate limits of the city of Waco, together with all included in the territory added thereto by this act, and making provision with reference to taxation, dissolving the town of North Waco, adding territory therein to the independent school district composed of the city of Waco, and putting title to school property therein in the trustees for said Waco independent school district."

House bill No. 55, a bill to be entitled "An Act to authorize the city councils of all cities and towns incorporated under the General Laws of this State to regulate the charges and fix the rates to be charged by all companies, corporations or persons engaged in supplying water, gas, light, telephones or sewerage to the public within the limits of said cities and towns, and occupying the streets and other public places for that purpose, and to prescribe reasonable rules and regulations therefor, and to protect said companies, corporations or persons from imposition."

House bill No. 210, a bill to be entitled "An Act to amend 'An Act to amend Article 3938, Chapter 10, Title LXXXVI, of the Revised Civil Statutes of the State of Texas of 1895, relating to school districts,' approved June 6, 1899."

House bill No. 50, a bill to be entitled "An Act to amend Article 2439, Chapter 1, Title XLV, of the Revised Civil Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers."

HOUSE BILL NO. 533.

Senator Davidson moved that the pending order of business (Senate bill No. 187) be suspended and the Senate take up, out of its order, House bill No. 533.

Senator Decker substituted the motion to take up House bill No. 96, and

Senator Davidson made the point of order that the Senate was under call on this bill, and

The Chair sustained same.

MOTION TO EXCUSE ABSENTEES LOST.

Here Senator Hicks moved to excuse the absentees on House bill No. 96, which motion was lost by the following vote:

Yeas—17.

Barrett.	Holland.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Terrell.
Hicks.	Willacy.
Hill.	

Nays—13.

Brachfield.	Harbison.
Davidson.	Harper.
Faulk.	Hawkins.
Glasscock.	Looney.
Grinnan.	Martin.

Smith. Stone.
Stokes.

Absent.

Beaty.

Question then recurring on the motion by Senator Davidson to take up House bill No. 533, and

Senator Hill moved, as a substitute, that the pending business be suspended and that the Senate take up, out of its order, House bill No. 15.

Senator Davidson moved to table the substitute motion, which motion was lost by the following vote:

Yeas—10.

Barrett.	Holland.
Davidson.	Looney.
Griggs.	Smith.
Grinnan.	Stokes.
Hawkins.	Stone.

Nays—20.

Brachfield.	Hicks.
Chambers.	Hill.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Hale.	Skinner.
Hanger.	Stafford.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Beaty.

On the substitute motion to take up House bill No. 15 Senator Davidson moved a call of the Senate, which being duly seconded, the roll was called and the following Senators answering to their names:

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty. McKamy.

Senator Hill moved to excuse the absentees generally, and
Senator Davidson moved, as a sub-

stitute, that the absentees be excused on all measures except House bill No. 96, and

Senator Hicks moved to table the motion, which motion was adopted by the following vote:

Nays—22.

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Terrell.
Hawkins.	Willacy.
Hicks.	

Nays—8.

Davidson.	Harper.
Faulk.	Martin.
Grinnan.	Smith.
Harbison.	Stone.

Absent.

Beaty.

Senator Glasscock then moved, as a substitute, to excuse the absentees on House bill No. 15, and

Senator Hanger moved to table the substitute motion, which motion was lost by the following vote:

Yeas—9.

Chambers.	Meachum.
Hanger.	Stokes.
Hicks.	Terrell.
Hill.	Willacy.
Holland.	

Nays—21.

Barrett.	Harper.
Brachfield.	Hawkins.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stone.
Harbison.	

Absent.

Beaty.

Senator Hawkins here asked unanimous consent to take up House bill No. 411, a local bill, but there was objection.

Senator Hicks moved that the Senate stand at ease till tomorrow morning at 10 o'clock, under call.

Senator Stone moved that the Senate adjourn till tomorrow morning at 10:30 o'clock.

Here Senator Davidson made a point of order that a motion to recess, or stand at ease, or adjourn, under call, was out of order.

The Chair overruled the point of order.

Senator Martin moved that the Senate adjourn until 11:30 o'clock Saturday morning.

Action recurring on the longest time first, the motion to adjourn until Saturday was lost by the following vote:

Yeas—4.

Brachfield.	Stokes.
Martin.	Stone.

Nays—26.

Barrett.	Hawkins.
Chambers.	Hicks.
Davidson.	Hill.
Decker.	Holland.
Faulk.	Looney.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Beaty.

Action then recurred on the motion to adjourn until tomorrow morning at 10 o'clock, the same was lost by the following vote:

Yeas—13.

Barrett.	Hawkins.
Brachfield.	Looney.
Davidson.	Martin.
Faulk.	Paulus.
Glasscock.	Stokes.
Harbison.	Stone.
Harper.	

Nays—17.

Chambers.	Holland.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Terrell.
Hicks.	Willacy.
Hill.	

Absent.

Beaty.

There were several other adjournment motions, but all were withdrawn, and

Senator Hanger moved that the Senate adjourn till tomorrow morning at 9 o'clock, with the agreement that each

member pledge himself to be present tomorrow at that hour.

The motion was adopted by the following vote, and the Senate so adjourned:

Yeas—30.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.

APPENDIX.

Committee Reports.

ENGROSSING DEPARTMENT.

Committee Room.

Austin, Texas, April 12, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate joint resolution No. 5, being a resolution authorizing the submission to a vote of the people of a proposed amendment to Article VII, Section 3, of the Constitution of the State of Texas, relating to the better support and maintenance of the public schools,

And find the same correctly engrossed.

BARRETT, Chairman.

COMMITTEE ON STATE AFFAIRS

Committee Room.

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 502, a bill to be entitled "An Act to carry into effect the amendment to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate soldiers, sailors and their widows, under certain conditions, and to make an appropriation therefor,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass and be not printed.

HOLLAND, Chairman.

COMMITTEE ON STOCK AND STOCK RAISING.

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred House bill No. 554, a bill to be entitled "An Act to amend Chapter 3, Title CII, Revised Civil Statutes of 1895, by adding thereto an article to be known as Article 4953a, and exempting the county of Gonzales from the operation of said chapter,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BRACHFIELD, Chairman.

SIXTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
Friday, April 14, 1905.

Senate met pursuant to adjournment, President Pro Tem. Hanger in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beatty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Hawkins.

Here Senator Decker moved a call of the Senate for the purpose of maintaining a quorum. The motion being duly seconded

Senator Smith made a point of order that there was no rule to justify the call, as all the members were present.

Senator Davidson also objected to the motion.

The Chair overruled the point of order, and

The roll was called, the following Senators answering to their names:

Barrett.	Brachfield.
Beatty.	Chambers.

64—Senate.

Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hicks.	Terrell.
Hill.	Willacy.

Absent.

Hawkins.

Before the vote was announced Senator Davidson moved to appeal from the ruling of the Chair on the point of order, anent the call.

Question—Shall the Chair be sustained?

The Chair was sustained by the following vote:

Yeas—18.

Barrett.	Hill.
Beatty.	Holland.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stafford.
Hale.	Terrell.
Hicks.	Willacy.

Nays—12.

Brachfield.	Hawkins.
Davidson.	Looney.
Faulk.	Martin.
Glasscock.	Smith.
Harbison.	Stokes.
Harper.	Stone.

Present—Not Voting.

Hanger.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Davidson the same was dispensed with.

Here Senator Hawkins was ordered to be marked present, the roll call on the motion on the appeal from the Chair shows him voting.

Senator Davidson called for a verification of the vote, which was granted.

Senator Davidson then made the point of order that the roll call showed all members present, which, according to the rules, would dissolve the call.

The Chair (President Pro Tem. Hanger) sustained the point of order.

(See Appendix for standing committee reports.)

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.